IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 702 of 2006

Ramesh Babbar @ Mashi Babbar
S/o Late Fakir Chand
R/o Ramlila Ground
P.S. Sitarganj
District Udham Singh Nagar ... Applicant

Vs

1. State of Uttaranchal
2. Chandra Pal Balmiki S/o Shri Charan Lal
   R/o Lane No. 4 Bhumiya Mandir Colony
   P.S. Sitarganj
   District Udham Singh Nagar ... Opp. Parties

Sri Dinesh Chauhan, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner – Ramesh Babbar @ Mashi Babbar who is facing the trial in a case Criminal Case No. 924 of 2006 under Section 323, 324, 504, 506 I.P.C. and Section 3(1)(x) of the S.C./S.T. Act pending in the court of Judicial Magistrate, Khatima, District Udham Singh Nagar.

2. Brief facts of the case are that the First Information Report was lodged by one Chandra Pal Balmiki (respondent No. 2) against the petitioner for the offence stated above. The specific role has been assigned to the petitioner in the First Information Report. The complainant got his injuries examined in the hospital on the same day. The police after investigating the matter submitted the chargesheet against the petitioner on 19.07.2006. Thereafter, the court concerned issued the summoning order against the petitioner. The petitioner thus challenged the summoning order as well as

prayed for quashing the entire aforesaid criminal proceedings pending against him.

3. Heard Sri Dinesh Chauhan, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

4. Having considered the arguments advanced by the learned counsel for the parties, I am of the view that there is no abuse of process of the court in this case. I am not supposed to embark upon an enquiry with regard to the credibility of the evidence at this state. Any judgment rendered by me would amount to premature judgment where the evidence is still incomplete and hazy.

5. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed in-limine.

(B.C. Kandpal, J.)

29.08.2006
ASWAL